MEMORANDUM

TO: Honorable Chairwoman Rebeca Sosa   DATE: July 2, 2013
        and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr.   SUBJECT: Resolution pertaining to
        County Attorney   Community Small Business
                                                               Development Program;
                                                               amending Resolution No.
                                                               R-1386-09 to eliminate
                                                               CSBE bonding requirements
                                                               on contracts up to $200,000.00
                                                               unless pre-approved by small
                                                               business development

**This item was amended at the Economic Development and Port Miami Committee on 6-13-13
to require a report to the Board after 1 year on the success of the waiver program and
whether any defaulted jobs exist.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime
Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

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RESOLUTION NO. _____

RESOLUTION PERTAINING TO COMMUNITY SMALL
BUSINESS DEVELOPMENT PROGRAM; AMENDING
RESOLUTION NO. R-1386-09 TO ELIMINATE CSBE
BONDING REQUIREMENTS ON CONTRACTS UP TO
$200,000.00 UNLESS PRE-APPROVED BY SMALL BUSINESS
DEVELOPMENT

WHEREAS, on December 1, 2009, the Board of County Commissioners (the "Board") passed and adopted Resolution No. R-1386-09, which implementing additional provisions for inclusion in County contracts with a subcontractor goal(s) pertaining to its Community Small Business Enterprise ("CSBE") program for construction related enterprises, including design-build firms, and firms providing trades and/or services for the completion of construction projects, as defined in Chapter 10 of the Code of Miami-Dade County, Fla., which have an actual place of business in the County and whose three (3) year average annual gross revenues do not exceed specific dollar thresholds based upon the type of construction related services performed in accordance with their two-digit Standard Industrial Classification code, or six-digit North American Industry Classification System code classification; and

WHEREAS, one of the additional contract provisions provided that "No Community Small Business Enterprise firm entering into a subcontract for $200,000.00 or less shall be required to execute and deliver a payment and performance bond as a condition of executing such subcontract or performing the work unless, in the case of a subcontract, the prime contractor has requested from the County, and the County has approved prior to the execution of the subcontract, such request based on information submitted by the prime contractor"; and

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WHEREAS, §255.05(1)(d) of Florida Statutes provides discretion for "the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, [that] any person entering into such a contract which is for $200,000 or less may be exempted from executing the payment and performance bond"; and

WHEREAS, the County wants to eliminate all Community Small Business Enterprise bonding requirements for any contracts up to $200,000.00, where the Community Small Business Enterprise is either the prime contractor directly contracting with a County department, or the subcontractor of a prime contractor, unless pre-approved by Small Business Development,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in all contracts of $200,000.00 or less for Community Small Business Enterprise work as either the (i) prime contractor directly contracting with a County department, or (ii) subcontractor of a prime contractor, there shall be no requirement for the Community Small Business Enterprise firm entering into said contract or subcontract to execute and deliver a payment and performance bond as a condition of executing such contract or subcontract, or performing the work, unless pre-approved by Small Business Development.>> The Mayor or designee shall prepare a report after one (1) year on the success of said waiver of payment and performance bonds and the status of any defaulted jobs, to be presented to this Board of County Commissioners.<<[1]

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[1] Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

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The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It

was offered by Commissioner   , who moved its adoption. The motion

was seconded by Commissioner   and upon being put to a vote, the vote

was as follows:

<div align="center">
Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair
</div>

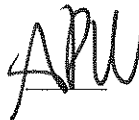|	
Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day

of July, 2013. This resolution shall become effective ten (10) days after the date of its adoption

unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this

Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
    Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

David Stephen Hope

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